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HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Jagdish Bhalla, Ag. C.J.

Writ Petition (C) No.4105 of 2007

PETITIONER

Chhatrapal Singh Banjare S/o Kheek Ram Banjare aged about 26 years, Sarpanch Gram Panchayat Chhuiha, Block & Tehsil Bilaigarh Distt. Raipur (C.G.)

Versus

RESPONDENTS

1. Smt. Kondi Bai W/o Mohit Ram aged about 55 years, Up Sarpanch R/o Village Jogidipa Gram Panchayat Chhuiha Block & Tahsil Bilaigarh Distt. Raipur (C.G.)
2. Mohan Sing S/o Jati Lal aged about 55 years, Panch R/o Village Jogidipa Gram Panchayat Chhuiha Block & Tahsil Bilaigarh Distt. Raipur (C.G.)
3. Prahlad S/o Bahadul aged 35 years R/o Village Chuiha Panch Block & Tahsil Bilaigarh Distt. Raipur (C.G.)
4. Dular Sing S/o Dhani Ram aged about 35 years R/o Village Chuiha Panch Gram Panchayat Chhuiha, Block & Tehsil Bilaigarh Distt. Raipur (C.G.)
5. Dhani Ram S/o Mehattar aged about 22 years R/o Village Chuiha Panch Gram Panchayat Chhuiha, Block & Tehsil Bilaigarh Distt. Raipur (C.G.)
6. Teeka Ram S/o Paras Ram aged about 50 years R/o Village Jogidipa Panch Gram Panchayat Jogidipa, Block & Tehsil Bilaigarh Distt. Raipur (C.G.)
7. Heera Lal S/o Surit Ram aged about 28 years R/o Village Chuiha Panch Gram Panchayat Chhuiha, Block & Tehsil Bilaigarh Distt. Raipur (C.G.)
8. State of Chhattisgarh through Collector Raipur Distt. Raipur (C.G.)
9. Upper Collector, Balouda Bazar, Tehsil Baloda Bazar Distt. Raipur (C.G.)
10. Director Panchayat & Social Welfare Chhattisgarh, Raipur (C.G.)
11. Additional Collector, Balouda Bazar, Distt. Raipur (C.G.)
12. Specified Officer / S.D.O. (Revenue) Bilaigarh Tehsil Bilaigarh Distt. Raipur (C.G.)

Petition under Article 227 of the Constitution of India

Present : Shri S.N. Nande, counsel for the petitioner.

ORAL ORDER

(Passed on 16th July, 2007)

The petitioner has been directed to be removed from the post of Sarpanch by an order dated 30-05-2007 passed by Sub Divisional Officer, Bilaigarh. Aggrieved by the said order petitioner filed an appeal which has been admitted and the last date fixed was 09-07-2007. However, counsel for the petitioner is not aware of the next date. While admitting the appeal interim relief was not granted by the Appellate Authority. Aggrieved by the same petitioner filed a Revision Petition before the Director Panchayat which has been dismissed on the ground that the appeal is pending.

Learned counsel for the petitioner informs that the petitioner apprehends that if interim order is not granted by this Court, he would be removed from the post of Sarpanch.

I am of the considered opinion that merely on apprehension writ petition is not maintainable. Interest of justice would suffice if the Upper Collector, Baloda Bazar expedites the appeal of the petitioner. It is further provided that in case removal order is passed, it would be open for the petitioner to seek redressal of his grievance by moving an application before the appropriate forum for staying the said order.

Thus, no interference is called for with the impugned order. With the observation made above, the petition stands disposed of.

Sd/-
Acting Chief Justice